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EXAMINER

NGUYEN, CHAU T

ART UNIT

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Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/731,912
Filing Date: December 08, 2000
Appellant(s): BIER, ERIC ALLAN

John F. Guay
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 08/14/2006 appealing from the Office action mailed 10/12/2005.

(1) Real Party in Interest

The Appellant's statement of the real party in interest contained in the brief is correct.

(2) Related Appeals and Interferences

The Appellant's statement of the related appeals and interferences contained in the brief is correct.

(3) Status of Claims

The Appellant's statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments

The Appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of The Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The Appellant's statement on the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

The following is a listing of the evidence relied upon in the rejection of claims under appeal:

Bay-Wei Chang, "In-Place Editing of Web Pages: Sparrow Community Shared Documents", published in April 1998 (hereinafter Chang).

Giljum et al., US Patent No. 6,745,238 issued on June 1, 2004, but filed on March 31, 2000.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-3, 5-13, 15-16, 18-21 and 23-45 are rejected under 35 U.S.C. 103(a) being unpatentable over Bay-Wei Chang, "In-Place Editing of Web Pages: Sparrow Community-Shared Documents", published 04/1998 (hereinafter Chang), in view of Giljum et al. US006745238B1- filed 03/31/2000 (hereinafter Giljum '238).

In regard to independent claim 1, A group-editable web page editing system comprising: formatting information stored within the electronic document (Chang at page 1 the Abstract Section and Figures 1 and 2 of pages 3-4, discloses sparrow in-place editing facilitates a different genre of Web page: such as the community-shared page, Like any Web page, a community-shared page is originally crafted by a single author, who defines the initial content and scope of the document.

But unlike other Web pages, a community-shared page can be modified or added to by any interested contributor, and the barriers for doing so are lessened by allowing changes to be made in a lightweight manner. The lightweight editing that Sparrow provides allows contributors to edit within the browser; edit in-place in the document; edit narrowly, just one item at a time; edit in a structured fashion; edit at a high level of abstraction; and edit collaboratively such that a lightweight in-place editing makes it easy for users to contribute to Web pages, thereby making community-shared documents more useful as they grow and change with new information) Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein formatting information stored within the electronic document would have been an obvious variant of a community-shared page is originally crafted by a single author, and allowing changes to be made in a lightweight manner (e.g. in-place in the document), to a person of ordinary skill in the art at the time the invention was made;

Chang does not explicitly teach, **an element selection device that selects a portion of an electronic document, wherein the selected portion includes at least one of template information or....**, however (Giljum '238 at col. 11, line 55 through col. 13, line 30, also see Fig. 11 and Fig. 38, discloses the web site database the Web Site Database permits the sharing of information among users in the Web Site, wherein style is a template that controls the look and feel of the home page and each folder page on the Web Site, such as the style template governs the navigation bar and page body, colors, text font, size, background images, banners, and other graphic elements that are common to each page. The Web Site Database provides a default style, but the

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user may generate custom styles to suit particular needs. A single style may be chosen for the entire Web Site (e.g., the home page and each folder). Alternatively, the user may assign different styles to give each folder a distinct look and feel. Alternatively, the user may assign different styles to give each folder a distinct look and feel) Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein element selection, template information would have been an obvious variant of style template governs the navigation bar and page body, colors, text font, size, background images, banners, and other graphic elements that are common to each page, to a person of ordinary skill in the art at the time the invention was made;

and an updating device that replaces the selected portion with the edited portion, however (Giljum '238 at col. 2, lines 1-16, discloses the self service system that displays to users, on the users' computers, wherein the self service system permits a content contributor (users) to add an item, add an item to a folder, associate an item with a perspective, and classify the item in a category uses of only a web browser running on the user computer, transmits the parameter to the central repository and allows the web site is updated at the central repository in accordance with the parameter, also Giljum '238 at col. 20, lines 55-65, discloses input that defines said set of perspectives is received in response to user manipulation of a graphical user interface presented by a second web page) Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein an updating device would have been an obvious variant of users' computers and user manipulation of a graphical user interface , to a person of ordinary skill in the art at the time the invention was made;

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It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Chang's teaching, discloses a group-editable web page editing system comprising: formatting information stored within the electronic document, and an updating device that replaces the selected portion with the edited portion, to includes a means of selecting a portion of an electronic document, wherein the selected portion includes at least one of template information and an updating device that replaces the selected portion with the edited portion of Giljum '238. One of the ordinary skill in the art would have been motivated to modify this combination to enable the content contributor (e.g. to create a web site, the person, referred to as the content contributor, submits the content (e.g., files and images) to the web site administrator for publication) may not be technical and may not have any knowledge of HTML, and eliminating a bottleneck the web site administrator prior to publishing the content, and ensuring that the content is up to date and accurate (as taught by Giljum '238 at col. 1, lines 30-55).

In regard to independent claims 12 and 20, incorporate substantially similar subject matter as cited in claim 1 above, and is similarly rejected along the same rationale. Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein a user interface would have been an obvious variant of users' computers and user manipulation of a graphical user interface, to a person of ordinary skill in the art at the time the invention was made.

In regard to dependent claims 2-3, incorporate substantially similar subject matter as cited in claim 1 above, and further view of the following, and are similarly

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rejected along the same rationale; **accounts for one or more edits by other users and are stored in a queue** (as taught by Chang, page 1, Introduction Section, discloses the Web pages are jointly edited by more than one person, much meta-information about the page must be distributed in addition to its URL: who is currently editing the page, where the page is stored in the filesystem, who has permission to write to that filesystem, and so on).

In regard to independent claim 5, incorporate substantially similar subject matter as cited in claim 1 above, and is similarly rejected along the same rationale.

In regard to dependent claim 6, incorporate substantially similar subject matter as cited in claim 1 above, and further view of the following, and is similarly rejected along the same rationale;

represents at least one non-selected portion of the electronic document with a place holder (Chang at page 7, section 2.2, discloses a lightweight editing technology for the Web, wherein one item at a time being edited using "Editing in-place", and during editing, the context of the rest of the page remains in place. The metaphor used is that of the outliner: the triangle graphic turns downwards to open up a region holding more detail, in this case, an editing region. Meanwhile, the page content above and below the editing region remains unchanged and visible. The user is free to browse the rest of the page even when editing, Chang at page 1, Introduction section, prescribing the types of editing allowed, and presenting forms for user interaction. In addition the interface attempts to leverage existing conventions in order to allow first-time users to feel comfortable initiating an edit without prior instruction) Examiner read

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the above in the broadest reasonable interpretation to the claim limitation, wherein place holder would have been an obvious variant of the editing region remains unchanged and visible and presenting forms for user interaction, to a person of ordinary skill in the art at the time the invention was made.

In regard to dependent claim 7, incorporate substantially similar subject matter as cited in claims 1 and 6 above, and is similarly rejected along the same rationale.

13, and is similarly rejected under the same rationale.

In regard to dependent claim 8, the element selection device permits selection of all portions of the electronic document that are associated with a given portion class (Chang at page 10, section 3.3, Interview schedule, discloses the interview schedule which is an example of a class of Sparrow pages...), and also at page 13, section 4.4 Fields, Python subclass.

In regard to dependent claim 9, the portion classes include the class of items, the class of templates, and the class of remaining code (Chang, at page 11, section 4.1 paragraph 1, Sparrow provides flexible authoring for creating many different kinds of content. Sparrow items are specified declaratively, by creating a template that includes the fields that will be used and the HTML formatting around the field entries...).

In regard to dependent claim 10, a user may select and edit portions of the template class, while one or more other users may simultaneously edit portions of the item class (Chang, at page 14, section 4.6, paragraph 1, discloses a method, wherein one user may change an item on a page without affecting other users who are editing other items on the same page...).

In regard to dependent claim 11, one user may select and edit portions of the remaining code class (Chang, at page 15, section 5 paragraphs 5, discloses WebEdit [6], Web Writer [2, 3], and Wiki Web all implement browser-based editing of Web pages. Like Sparrow, these systems allow one to edit pages directly within the browser, thus freeing the user from starting another tool or knowing where the page is stored on the filesystem. Unlike Sparrow, they require knowledge of HTML and editing occurs over the entire contents of a page...).

In regard to dependent claims 13 and 21, incorporate substantially similar subject matter as cited in claim 2 above, and are similarly rejected along the same rationale.

In regard to dependent claims 15, 16, 18, 23, 24, 26 and 32 incorporate substantially similar subject matter as cited in claim 6 above, and are similarly rejected along the same rationale.

In regard to dependent claim 19, incorporate substantially similar subject matter as cited in claim 9 above, and is similarly rejected along the same rationale.

In regard to dependent claim 25, incorporate substantially similar subject matter as cited in claims 1 and 3 above, and further view of the following and is similarly rejected along the same rationale;

instruction that unlocks the electronic document... however (Giljum '238 at col. 12, line 30 through col. 13, line 50, also see Fig. 10 through Fig. 13, provides a mechanism to grant folder privileges to groups, wherein the Web Site Database includes an interface for adding new items (e.g., the files, text and URLs) to the Web

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Site. In addition, this interface permits the user, with the proper privileges user s are providing "check out item" (e.g. no other contributor may edit the item) tool applies only to items enabled for check out and a "checked-in item" tool permits a contributor to return the updated item to the folder after editing it) Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein instruction that unlocks the electronic document would have been an obvious variant of a "checked-in item" tool permits a contributor to return the updated item to the folder after editing it (e.g.. Web Site), to a person of ordinary skill in the art at the time the invention was made.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Chang's teaching, discloses a group-editable web page editing system comprising: formatting information stored within the electronic document, and an updating device that replaces the selected portion with the edited portion, to includes a means of instruction that unlocks the electronic document of Giljum '238. One of the ordinary skill in the art would have been motivated to modify this combination to enable the content contributor (e.g. to create a web site, the person, referred to as the content contributor, submits the content (e.g., files and images) to the web site administrator for publication) may not be technical and may not have any knowledge of HTML, and eliminating a bottleneck the web site administrator prior to publishing the content, and ensuring that the content is up to date and accurate (as taught by Giljum '238 at col. 1, lines 30-55).

In regard to dependent claim 27, incorporate substantially similar subject matter as cited in claim 9 above, and is similarly rejected along the same rationale.

In regard to dependent claims 28 and 30, incorporate substantially similar subject matter as cited in claims 1 and 12 above, and are similarly rejected along the same rationale.

In regard to dependent claim 29, incorporate substantially similar subject matter as cited in claims 1 and 12 above, and is similarly rejected along the same rationale. Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein is web page would have been an obvious variant of an electronic document, to a person of ordinary skill in the art at the time the invention was made.

In regard to dependent claims 31 and 33, incorporate substantially similar subject matter as cited in claims 1, 12 and 29 above, and are similarly rejected along the same rationale.

In regard to dependent claim 34, incorporate substantially similar subject matter as cited in claims 1 and 25 above, and further view of the following and are similarly rejected along the same rationale, **formatting information comprise at least one of text...** (Chang, at page 11, section 4.1 paragraph 1, Sparrow provides flexible authoring for creating many different kinds of content. Sparrow items are specified declaratively, by creating a template that includes the fields that will be used and the HTML formatting around the field entries, also Chang, at page 7, section 2.2 paragraph 2 Structure editing, discloses the Sparrow page author specifies the fields in the

Sparrow items, and Sparrow presents a form for contributors to fill out or edit. The form can be very general (a large text editing area) or very specific (many different form elements to handle many kinds of entries), as the author desires).

In regard to dependent claims 35, 36, 37, 39, 41 incorporate substantially similar subject matter as cited in claims 1, 6 and 12 above, and are similarly rejected along the same rationale.

In regard to dependent claim 38, incorporate substantially similar subject matter as cited in claim 34 above, and is similarly rejected along the same rationale.

In regard to dependent claims 40 and 44, incorporate substantially similar subject matter as cited in claim 35 above, and are similarly rejected along the same rationale.

In regard to dependent claim 42, incorporate substantially similar subject matter as cited in claims 9 and 35 above, and is similarly rejected along the same rationale.

In regard to dependent claims 43 and 45, incorporate substantially similar subject matter as cited in claims 1, 6 and 12 above, and is similarly rejected along the same rationale.

(10) Response to Argument

In the Remarks, Appellant argued in substance that

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A) The Chang and Giljum et al. documents do not teach the subject matter of claims 1, 12 and 20.

A-1) “Neither Chang nor the Giljum patent discloses nor suggests storing editable template information or formatting information within the electronic document.”
(see page 3 of the Brief)

In reply to argument **A-1**, Chang discloses in the Abstract and Figs 1-2 of pages 3-4 that a sparrow “to-do list” web page (electronic document) includes black triangle link which causes the item to “open” into a dialog-box-like region or editable item (template information or formatting information).

A-2) Prior art, whether taken individually or in combination, fail to teach or suggest the claimed features of “an element selection device that selects a portion of an electronic document, wherein the selected portion includes at least one template information or formatting information stored within the electronic document, an editing device that determines an edit user interface and allows editing of the selected portion through the edit user interface, wherein the edit user interface allows editing of at least one of the template information or the formatting information of the selected portion”.
(see page 3 of the Brief)

In reply to argument **A-2**, Chang discloses clicking on the black triangle link (a portion of the electronic document), and the “opening” of the item into an editable item (template information) occurs by a new page being sent to the browser (Chang, page 4

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and Figure 2). In addition, Chang discloses after “clicking” on the black triangle link, an editable item (template information) occurs by a new page being sent to the browser (edit user interface), providing editing of specific parts of the web page and making changes to the item using normal form controls (Chang, page 5).

Even though Chang does not explicitly disclose “an element selection device that selects a portions of an electronic document”, but the “clicking” step would have implied there must be some kind of element selection device such as keyboard, mouse or pointer that is used to do the step “clicking”. Thus, element selection device is inherent from the “clicking” step. In addition, Giljum discloses the web site database permit the sharing of information among users, wherein style is a template that controls the look and feel of the web site and each folder page on the web site, such as the style template governs the page body, text, color, size, background images, etc, and the user may generate custom styles to suit particular needs (Giljum, col. 11, line 55 – col. 13, line 30).

A-3) Chang does not teach “a group-editable page” (see page 3 of the Brief)

In reply to argument **A-3**, the recitation “a group-editable page” has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural

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limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

A-4) The Giljum patent neither discloses nor suggests storing editable template information or formatting information within the electronic document (see page 4 of the Brief).

In reply to argument **A-4**, Examiner's used reference "Chang", **NOT Giljum** to reject the limitation "storing editable template or formatting information within the electronic document" as discussed in argument **A-1**, therefore, Appellant cannot argue the same limitation with different reference that Examiner did not use to make the rejection for the same limitation. Please see reply to argument **A-1** above.

A-5) "Appellant submits that the Examiner's motivation for combining the applied references could only have been arrived at after reviewing the present application." (see page 6 of the Brief)

In reply to argument **A-5**, Appellant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case,

since Chang discloses a sparrow "to-do list" web page (electronic document) includes black triangle link which causes the item to "open" into a dialog-box-like region or editable item (template information or formatting information), which is similar to the web site database permit the sharing of information among users, wherein style is a template that controls the look and feel of the web site and each folder page on the web site, such as the style template governs the page body, text, color, size, background images, etc, and the user may generate custom styles to suit particular needs of Giljum, thus both Chang and Giljum are analogous arts. Therefore, one of the ordinary skill in the art would have been motivated to modify this combination to enable the content contributor (e.g., to create a web site, the person, referred to as the content contributor, submits the content (files or images) to the web site administrator for publication) for eliminating a bottleneck the web site administrator prior to publishing the content and for ensuring that the content is up to date and accurate (as taught by Giljum in col. 1, lines 30-55).

B) The Chang Publication and Giljum Patent do not teach the subject matter of claims 34, 38 and 42.

B-1) "Chang publication mentions nothing whatsoever of editing formatting information of a selected portion" (see page 7 of Brief)

In reply to argument **B-1**, Chang discloses after "clicking" on the black triangle link, an editable item (template information) occurs by a new page being sent to the

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browser (edit user interface), providing editing of specific parts of the web page and making changes to the item using normal form controls (Chang, page 5).

C) The Chang Publication and Giljum Patent do not teach the subject matter of claims 35, 39 and 43.

C-1) "There is no teaching in either Chang or Giljum et al. of editing formatting information or template information" (see page 7 of the Brief)

In reply to argument **C-1**, Chang discloses after "clicking" on the black triangle link, an editable item (template information) occurs by a new page being sent to the browser (edit user interface), providing editing of specific parts of the web page and making changes to the item using normal form controls (Chang, page 5), thus the editable item of the website is altered. In the same field of endeavour, Giljum discloses the web site database permit the sharing of information among users, wherein style is a template that controls the look and feel of the web site and each folder page on the web site, such as the style template governs the page body, text, color, size, background images, etc, and the user may generate custom styles to suit particular needs (Giljum, col. 11, line 55 – col. 13, line 30).

D) The Chang Publication and Giljum Patent do not teach the subject matter of claims 36, 40 and 44.

D-1) The prior art does not disclose or teach “merging a modified item template back into the electronic even if the content of one or more items managed by the item template was altered while the item template was being modified.” (see page 8 of the Brief)

In reply to argument **D-1**, Chang discloses in page 5 that contributor or user makes changes to the item (template) by using the normal form controls, and when done with making changes, Sparrow makes the change to the web page and redirects the user's browser back to the original URL, which now shows the newly altered page, scrolled to the appropriate location. Chang also discloses in page 7 that during editing, the context of the rest of the page remains in place, and meanwhile, the page content above and below the editing region feature remains unchanged and visible, and the user is free to browse the rest of the page even when editing.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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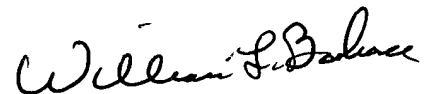

For the above reasons, it is respectfully submitted that the rejections should be sustained.

Respectfully Submitted,

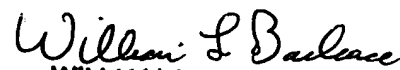


Chau Nguyen

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William Bashore (Primary AU 2176)


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